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Attorneys for Plaintiffs
MARTHA BERNDT, MARTA HASTINGS,
JUDY LONGO, LINDA SCOTT,
SOPHIA CURRY, SHELLY ADCOCK,
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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MARTHA BERNDT, MARTA HASTINGS,)	NO. C03-3174 TEH (EDL)
JUDY LONGO, LINDA SCOTT, SOPHIA)	
CURRY, SHELLY ADCOCK, PATRICIA)	STIPULATION AND PROPOSED
MOREIRA and KAREN CURRIE,)	ORDER RESCHEDULING
INDIVIDUALLY AND ON BEHALF OF)	HEARING ON DEFENDANTS'
ALL PERSONS SIMILARLY SITUATED)	<u>MOTION TO DISMISS</u>
)	
Plaintiffs,)	
v.)	HON. THELTON E. HENDERSON
)	
CALIFORNIA DEPARTMENT OF)	
CORRECTIONS, TERESA SCHWARTZ,)	
JOSEPH McGRATH, DAVID SKERIK,)	
MARIO ORTIZ, and DWIGHT WINSLOW,)	
in their individual capacities,)	
)	
Defendants.)	
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The parties, by and through their respective counsel, hereby stipulate and agree that the date for hearing on Defendants' Motion to Dismiss With Prejudice Equal Protection, First Amendment Retaliation and Race Discrimination Claims from the Fourth Amended Complaint may be rescheduled from September 19, 2005 to September 26, 2005. The parties further agree that the briefing schedule originally set for this Motion will remain unchanged. Plaintiffs will file their opposition brief on or before August 29, 2005. Defendants will file their reply brief, if any, on or before September 6, 2005.

Good cause exists for this Stipulation and Order in that Pamela Y. Price, counsel for Plaintiffs, has a scheduling conflict on September 19, 2005. Ms. Price is required to attend a hearing in the United States District Court, Eastern District of California on September 19, 2005. Due to the distance between the two courts, it will be difficult for Ms. Price to attend both hearings. Defense counsel is amenable to rescheduling the hearing date and will not suffer prejudice as a result of the new hearing schedule.

The parties respectfully request the Court grant the Order rescheduling the date to hear Defendants' Motion to Dismiss.

Dated: August 5, 2005

PRICE AND ASSOCIATES

/s/

PAMELA Y. PRICE, Attorneys for Plaintiffs
MARTHA BERNDT, MARTA HASTINGS,
JUDY LONGO, LINDA SCOTT,
SOPHIA CURRY, SHELLY ADCOCK,
PATRICIA MOREIRA and KAREN CURRIE

Dated: August 5, 2005

BILL LOCKYER, Attorney General of the
State of California
JACOB APPELSMITH, Senior Assistant
Attorney General
KATHRYN ALLEN, Deputy Attorney General

/s/

LYN HARLAN, Deputy Attorney General,
Attorneys for Defendants CALIFORNIA
DEPARTMENT OF CORRECTIONS,
TERESA SCHWARTZ, JOSEPH McGRATH,
DAVID SKERIK, MARIO ORTIZ and
DWIGHT WINSLOW

ORDER RESCHEDULING HEARING

Pursuant to the foregoing Stipulation of the parties, and good cause appearing
therefore, **IT IS HEREBY ORDERED** that the date for hearing on Defendants' Motion to
Dismiss With Prejudice Equal Protection, First Amendment Retaliation and Race Discrimination
Claims from the Fourth Amended Complaint shall be rescheduled from September 19, 2005 to
September 26, 2005.

Dated: 8/10/05

